

LOUIS SEAN BODWAY, )  
 )  
 Plaintiff, )  
 )  
 v. ) No. 4:13-CV-276-AGF  
 )  
 BRENDA MALLARD, M.D., )  
 )  
 Defendant. )

This matter is before the Court upon review of plaintiffs' second amended complaint [Doc. #31-1].

Pursuant to 42 U.S.C. § 1997e(g)(2), the Court may require any defendant to reply to a complaint brought by a prisoner pursuant to 42 U.S.C. § 1983 or any other federal law if it finds that the plaintiff has a reasonable opportunity to prevail on the merits. Moreover, 28 U.S.C. § 1915A requires the Court to identify any cognizable claims that would survive dismissal.

A review of the second amended complaint indicates that plaintiff's Fourteenth Amendment claims against defendant Brenda Mallard, M.D., survive review under 28 U.S.C. § 1915(e)(2)(B) and should not be dismissed at this time. Therefore, the Court

will order defendant to file a responsive pleading to the second amended complaint in accordance with the Federal Rules of Civil Procedure.

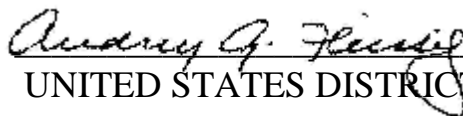
Accordingly,

**IT IS HEREBY ORDERED** that, pursuant to this Court's differentiated case management system, this case is assigned to Track 5B (prisoner actions-standard).

**IT IS FURTHER ORDERED** that defendant Brenda Mallard, M.D., shall reply to the second amended complaint within the time provided by the applicable provisions of Rule 12(a) of the Federal Rules of Civil Procedure. *See* 42 U.S.C. § 1997e(g)(2).

**IT IS FURTHER ORDERED** that the Clerk of Court shall docket this case as *Louis Sean Bodway v. Brenda Mallard, M.D.*

Dated this 4th day of June, 2013.

  
UNITED STATES DISTRICT JUDGE